

Express Mail Label No.: EM 360782798US  
Date of Deposit: August 28, 2009

Attorney Docket No. 24852-201002US  
(Formerly 24852-501 CIP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Miller, T.A. CONFIRMATION NUMBER : 8627  
SERIAL NUMBER : 10/600,132 EXAMINER : Valenrod, Y.  
(Now U.S. Patent No.  
7,456,219)  
FILING DATE : June 19, 2003  
FOR : Polymorphs of Suberoylanilide Hydroxamic Acid

ART Unit. Ref: 05/04/2010 GARIAS 0013102300  
08/31/2009 RHEBRAH1 00000078 10600132  
FC:1455 \$200.00 CR

MAIL STOP PATENT EXT.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Adjustment date: 05/04/2010 GARIAS  
08/31/2009 RHEBRAH1 00000078 10600132  
01 FC:1455 -200.00 OP

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)

Sir:

This Application is submitted in response to the Decision on Request for Reconsideration of Patent Term Adjustment and Notice of Intent to Issue Certificate of Correction (herein the "Decision"), mailed on July 28, 2009.

The above-identified application issued as U.S. Patent No. 7,456,219 on November 25, 2008. The total patent term adjustment calculated by the USPTO for this application was 795 days. The USPTO arrived at this PTA by calculating 821 days under 37 C.F.R. §1.702(a)(1), (2), and (4), plus 890 days under 37 C.F.R. §1.702(b). (See, e.g., pages 6-7 of the Decision, particularly Footnote 5). The USPTO then determined that all 890 days under the 37 C.F.R. §1.702(b) period overlapped with the 821 days under the 37 C.F.R. §1.702(a) period, but did not add the §1.702(a) and §1.702(b) periods together. Rather, the USPTO took the 890 days under the §1.702(b) period as the maximum USPTO delay and then subtracted the period of applicant delay (the USPTO calculated applicant delay as 95 days), thereby arriving at 795 days.

This Application seeks to correct two errors. First, the period of applicant delay should have been calculated as 74 days, not 95 days -- the USPTO's 21 day "deduction" for the September 18, 2008 IDS was not proper (as detailed herein). Second, because the §1.702(a) and §1.702(b) periods do not overlap, contrary to what was stated in the Decision, the USPTO should add the entire §1.702(a) period during which the application was pending, less any USPTO delay occurring after June 15, 2006 (which was 3 years from the date the application was filed), plus

08/31/2009 RHEBRAH1 00000078 10600132

200.00 OP

01 FC:1455



Express Mail Label No.: EM 360782798US  
Date of Deposit: August 28, 2009

Attorney Docket No. 24852-201002US  
(Formerly 24852-501 CIP)

No additional fees are believed to be due; however, the Commissioner is authorized to charge such fee, or credit any overpayment in fees to Deposit Account No. 50-0311, Customer Number 35437, Attorney Docket No. 24852-201002US.

Respectfully submitted,

Dated: August 28, 2009

Michelle A. Iwamoto  
Ivor R. Elrifi, Reg. No. 39,529  
Michelle A. Iwamoto, Reg. No. 55,296  
Attorneys/Agents for Applicants  
c/o MINTZ, LEVIN, *et al.*  
666 Third Avenue-24<sup>th</sup> Floor  
New York, New York 10017  
Telephone: (212) 935-3000  
Telefax: (212) 983-3115  
Tel: (212) 692-6296  
Fax: (212) 983-3115

4702595v.1

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

**REQUEST FOR PATENT FEE REFUND**

1 Date of Request: 5/4/10

2 Serial/Patent # 10/600,132

3 Please refund the following fee(s):

4 PAPER  
NUMBER

5 DATE  
FILED

6 AMOUNT

Filing

\$

Amendment

\$

Extension of Time

\$

Notice of Appeal/Appeal

\$

☒ Petition

—

8/28/09

\$ 200

Issue

\$

Cert of Correction/Terminal Disc.

\$

Maintenance

\$

Assignment

\$

Other

\$

7 TOTAL AMOUNT  
OF REFUND

\$ 200

8 TO BE REFUNDED BY:

Treasury Check

☒ Credit Deposit A/C #:

9 

5	0	--	0	3	1	1
---	---	----	---	---	---	---

10 REASON:

Overpayment

☒ Duplicate Payment

No Fee Due (Explanation):

*pet. fee previously paid*

11 REFUND REQUESTED BY: C. T. Donnell

TYPED/PRINTED NAME: C. T. Donnell

TITLE: Pet. Atty

SIGNATURE: C. T. Donnell

PHONE: 571 272 3211

OFFICE: Office of Petitions

\*\*\*\*\*  
THIS SPACE RESERVED FOR FINANCE USE ONLY:  
\*\*\*\*\*

APPROVED: [Signature]

DATE: 05/04/10

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*